

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

M,A, YAH,

Defendant.

8:05CR116

ORDER

This matter is before the court on the motion to continue by defendant M,A, Yah (Yah) (Filing No. 150). Yah seeks a continuance of the trial of this matter and for permission to travel to assist his sister who is requiring a kidney transplant. Yah has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Yah consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted as set forth below.

IT IS ORDERED:

1. Yah's motion to continue trial (Filing No. 150) is granted.
2. Trial of this matter is re-scheduled for **May 9, 2006**, before Judge Laurie Smith Camp and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 17, 2006 and May 9, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).
3. Yah's motion for permission to travel is granted to the extent that Yah is permitted to travel to Denver, Colorado, for the purpose of a possible kidney donation to Yah's sister. Such travel shall be at the discretion of Pretrial Services. Yah shall notify Pretrial Services 24 hours before his departure to Denver and shall advise Pretrial Services of his location and schedule in Denver as well as his return to Omaha date. Such contact shall be made prior to the Omaha departure and thereafter on a weekly basis.

DATED this 17th day of February, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge